REMARKS/ARGUMENTS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-29 were pending prior to the Office Action. In this Reply, claims 4 and 29 are canceled and the features therein are incorporated into independent claims 1 and 28, respectively. Thus, amendments to claims 1 and 28 do not present new issues. Also in the Reply, new claims 30-36 are presented. As amended, claims 1-3, 5-28 and 30-36 are pending. Claims 1, 15, 22 and 30 are independent.

DRAWING OBJECTIONS

FIG. 8 stands objected to due to a typographical error. *See Office Action, pages 2-3.* Replacement sheet 7 electronically submitted on even date herewith includes changes to Fig. 8. This sheet replaces the original sheet 7 including Fig. 8. In Figure 8, a typographical error, [ACCESSESS] has been corrected to read <u>ACCESSES</u>. Applicants respectfully request that the objection to FIG. 8 be withdrawn.

§102 REJECTION - RAMASWAMY

Claims 1-7, 9, 15-18, 22-23 and 28-29 stand rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Ramaswamy (WO 02/098057). *See Office Action, pages 3-5.* As noted, claims 4 and 29 are canceled and the features therein are incorporated into independent claims 1 and 28,

respectively. Thus, Applicants will treat claims 1-3, 5-7, 9, 15-18, 22-23 and 28 as being rejected. As such, Applicants respectfully traverse.

Idependent claim 1 is directed to a method for selecting an access network for a mobile multi-access terminal in an Internet Protocol (IP)-based communication system. As featured, a network-based access selection unit requests and receives database information from a profile server associated with a plurality of databases, and an access network for a mobile terminal is selected based on the retrieved database information. The network-based access selection unit communicates an access network recommendation to an access agent in the mobile terminal. This access network recommendation is then forwarded to an access manager in the mobile terminal. The access manager at the terminal finally determines which access network to use based on the access network recommendation and input user preferences and/or priority information in the mobile terminal. In this way, the network-based access selection for the mobile terminal can be integrated with user/terminal-based access selection in a highly efficient manner.

Ramaswamy lacks one or more features of claim 1. Ramaswamy is directed to a communication technology with seamless communications through intelligent network selection. As hinted in Ramaswamy, there is a growing demand for users to receive and display multimedia content information such as maps, e-mail, text, web pages, audio and video files, etc. from the Internet through various network systems such as cellular telephone

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systems, television broadcasting systems, home network/broadband systems. Ramaswamy attempts to address the need for a mechanism that allows the user to seamlessly roam or transition between multiple networks, based on a calculation of a needed bandwidth, message priority, and bandwidth cost, such that the minimum required bandwidth at the lowest cost is selected. *Page 6, lines 151-158.*

Ramaswamy discloses a mobile communication system in Figs. 1 and 2. The communication system includes a multiple network portable platform 10. An example of the portable platform is a portable communications device. *Page 6, lines 171-175.* The portable platform 10 is capable of bidirectional communication with a plurality of wireless communication networks. *Page 9, lines 235-240.* The platform 10 is capable of requesting and receiving information from a computer via the Internet through any of the network interfaces available on the platform 10. *Page 11, lines 306-320.* Information transmitted by the platform 10 is received by a content server 27 which contains the desired information of the user. *Page 12, lines 337-341.* Connected to the content server 27 is a management entity 26 that is programmed to optimize a selection of the network via which the associated content server 27 will transmit and receive data to and from the platform 10. *Page 12, lines 341-347.*

In the Office Action, the Examiner alleges that Ramaswamy's management entity 26 and content server 27 are equivalent to the network-

based access selection unit and the profile server, respectively. Applicants

disagree. First, the content server 27 is not a profile server connected to a

plurality of databases. Ramaswamy describes that the content server 27

contains the desired information of the user. *Page 12, lines 337-341.* This

merely indicates that the content server 27 contains media content such as

audio and video which is desired by the user. The user sends a request for the

desired content to the content server 27, and the content server 27 transmits

(in unicast mode or multicast/broadcast mode) the requested data to the user

through an access network selected by the network management entity 26.

Page 12, line 348 – page 13, line 354.

As indicated in Ramaswamy Fig. 2, the network management entity 26 is

connected only to the content server 27. There is no connection to a plurality

of databases. As an example, there is no connection between the network

management entity 26 and a separate server 28. Ramaswamy merely states

that the management entity 26 receives a network availability and status report

from the platform 10. *Page 12, lines 341-343.* The only information transfer in

relation to the content server 27 is the network status report (indicating which

of the networks that are currently operational/available to the portable

platform 10) received from the portable platform 10 and further forwarded to

the management entity 26, information on selected network received from the

management entity 26, and the desired content information transmitted to the

portable platform 10 from the content server 27. In Ramaswamy, the

management entity 26 simply receives the network status report from the portable platform 10 via the content server 27. Ramaswamy does not teach or suggest "requesting, at a network-based access selection unit, database information from a network-based profile server associated with a plurality of databases" as recited in claim 1.

The management entity 26 is connected to the content server 27 to transfer the access selection to the content server 27. The content server 27 in turn uses the selected access network to transmit the media content to the portable platform 10. There is no evidence or indication in Ramaswamy that information on the access selection is communicated to the portable platform 10 by the management entity 26. As such, Ramaswamy does not teach or suggest "communicating an access network recommendation comprising an indication of the current best access network from the access selection unit to an access agent in the mobile terminal" as recited in claim 1.

Ramaswamy indicates that the portable platform 10 informs the content server 27 of its current IP address and multi-network capabilities, and the content server 27 then opens up a channel to the portable platform 10 via the access network selected by the management entity 26. The portable platform 10 simply registers into any of the available networks through any physical layer that has an open return channel. *Page 7, lines 198-202.* Thus, in Ramaswamy, the access selection will be effectuated entirely from the network-side. This contrasts with "determining, at the access manager, which access

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network to use based on the access network recommendation and input user preferences and/or priority information in the mobile terminal" as recited in claim 1.

Further, the Examiner erroneously alleges that Ramaswamy's microprocessor 118 in the portable platform 10 operates as an access agent and access manager. The microprocessor 118 operates in a known manner under the control of an application program. *Page 9, line 260 – page 10, line 289.* The microprocessor 118 is programmed to operate as a data processing layer 130. *Page 10, lines 263-267.* The data processing layer is related to the function of processing the desired user data – such as multi-media content – received from the Internet. The microprocessor 118 also includes a backend applications processor 14, which serves as a buffer and decoder for the data received by the microprocessor 118 useful for processing the multimedia content. *Page10, lines 273-276.* Within the platform 10, there can be multiple network interfaces 16, 18, 120. Ramaswamy describes that each network interface is interconnected to a network data processing layer for transmitting and receiving data via the IPv4 or IPv6 protocols. *Page 7, lines 184-191.* For large files, such as multi-media files, the data processing layer 130 is connected to the backend applications processor 14 which processes and buffers the data stream. The functions of the microprocessor 118 and the backend applications processor may be relevant for processing user data such as media content, but are not relevant to the process of selecting which access

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network to use. This further reinforces the notion that Ramaswamy lacks

"determining, at the access manager, which access network to use based on the

access network recommendation and input user preferences and/or priority

information in the mobile terminal."

Ramaswamy's portable platform 10 does includes multiple front end

network interfaces, each interface corresponding to a particular type of

available network. Each network interface is connected to the network data

processing layer for data processing purposes as explained above. A request for

information destined to the content server 27 can be generated by a user from

the keypad of the platform 10, and the information request is then supplied by

the microprocessor 118 to any of the network interfaces available on the

portable platform 10 to be delivered to the content server 27. On the return

path, media content from the content server 27 is transmitted over access

network (selected by the management entity 26) and received at the

corresponding network interface of the portable platform 10. From there, the

media data is transferred to the data processing layer 130.

This is not the same as an access agent that receives the access network

recommendation and an associated access manager which makes a decision on

which access network to use based on the access network recommendation.

Rather, this is simply related to what happens after a suitable access network

has already been selected. Ramaswamy's microprocessor 118 passively

receives data from the network interface associated with the access network

actively selected by the network management entity 26. The network interface is merely an interface to the selected access network. At best, the microprocessor 118 can be seen as handling data to/from one of a number of network interfaces. The network interface operation by the microprocessor 118 is completely different from the operation of the access manager in claim 1, which determines the access network to use based on the access network recommendation.

Independent claim 15 recites "means for requesting database information from a network-based profile server associated with a plurality of databases," "means for selecting a current best access network for the mobile terminal based on the database information," and "means for communicating an access network recommendation comprising an indication of the current best access network to the mobile terminal to enable a final decision, by an access manager in the mobile terminal, on which access network to use based on the access network recommendation." As demonstrated above, Ramaswamy lacks at least these features.

Independent claim 22 recites "means for requesting, at a network-based access selection unit, database information from a network-based profile server associated with a plurality of databases," "means for selecting, at the access selection unit, a current best access network for the mobile terminal based on the database information," "means for communicating an access network recommendation comprising an indication of the current best access network

from the access selection unit to an access agent in the mobile terminal" and

"means for determining, at the access manager, which access network to use

based on the access network recommendation and input user preferences and/or

priority information in the mobile terminal." As demonstrated above,

Ramaswamy lacks at least these features.

Independent claim 28 recites "means for receiving, at the access agent, an

access network recommendation comprising an indication of the current best

access network from the access selection unit" and "means for determining, at

the access manager, which access network to use based on the access network

recommendation and input user preferences and/or priority information in the

mobile terminal." As demonstrated above, Ramaswamy lacks at least these

features.

Claims 2-3, 5-7, 9, 16-18 and 23 depend from independent claims 1, 15

or 22 and recite further distinguishing features. Applicants respectfully

request that the rejection of claims 1-3, 5-7, 9, 15-18, 22-23 and 28 based on

Ramaswamy be withdrawn.

§103 REJECTIONS

Claims 8, 10 and 19 stand rejected under 35 U.S.C. § 103(a) as allegedly

being unpatentable over Ramaswamy in view of Jiang (US Patent No.

6,898,432) (*pages 5-7 of the Office Action*); claims 11-12, 20 and 25-26 stand

rejected as allegedly being unpatentable over Ramaswamy in view of Kall et al.

(US Publication No. 2004/0203914) (*page 8 of the Office Action*); claim 13

stands rejected as allegedly being unpatentable over Ramaswamy in view of

Kall, and in further view of Mizell et al. (US Publication No. 2004/0203914)

(*pages 8-9 of the Office Action*)[1]; claims 14 and 27 stand rejected as allegedly

being unpatentable over Ramaswamy in view of Sauvage et al. (US Publication

No. 2004/0203914) (*pages 9-10 of the Office Action*); claim 21 stands rejected

as allegedly being unpatentable over Ramaswamy in view of Mizell (*page 10 of

the Office Action*); and claim 24 stands rejected as allegedly being unpatentable

over Ramaswamy in view of Gress et al. (US Patent 6,813,507) (*page 10 of the

Office Action*).

These rejected claims depend from independent claims 1, 15 or 22. None

of the additional references cited overcome Ramaswamy's deficiencies.

Therefore, claims 1, 15 and 22 are distinguishable over Ramaswamy in

combination with any of the references Jiang, Kall, Mizell, Sauvage and Gress.

Consequently, the dependent claims are distinguishable as well.

NEW CLAIMS

Claims 30-36 are added. The features of the newly presented claims are

supported in the disclosure as originally submitted. All new claims are

distinguishable over the cited references, individually or in any combination.

Independent claim 30 recites "a profile server at the service network configured

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[1] It appears that the portion of the Office Action starting on page 8 and continuing on to page 9 is intended to reject claim 13. Applicants will proceed under this assumption.

to access a plurality of databases" and "an access wizard unit at the service network and operatively connected to the profile server, wherein the access wizard unit is configured to ... determine, for the mobile terminal to establish access to an IP-based service network ... and communicate to the mobile terminal an indication of the best access network.." As demonstrated above, the cited references lack at least these features. Claims 31-36 depend from claim 30 and recite further distinguishing features.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact the undersigned to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 14-1140 for any additional fees required to maintain pendency.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____ #44,346

Warren Burnam, Jr.
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Attachments: Replacement Sheet
Annotated Sheet Showing Changes

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1262078

START

RECEIVE, AT SELECTION UNIT, INFO. FROM
ACCESS AGENT INCLUDING CURRENT ROUTE — S1

COLLECT, AT ACCESS SEL. UNIT,
DATABASE INFO. VIA PROFILE SERVER — S2

SELECT, AT ACCESS SEL. UNIT,
CURRENT BEST ACCESS NETWORK — S3

COMMUNICATE CURRENT BEST ACCESS
FROM ACCESS SEL. UNIT TO TERMINAL — S4

DETERMINE, AT ACCESS SEL. UNIT,
FUTURE ACCESS CANDIDATES — S5

FIG. 8

S6

CANDIDATE
ACCESSES AVAILABLE IN
CURRENT ROUTE
?

NO

YES

SUGGEST, AT ACCESS
SEL. UNIT, ALT. ROUTE — S7

S9 — PREDICT FUTURE BEST
ACCESS AT ACCESS SEL. UNIT

COMMUNICATE ALT.
ROUTE TO TERMINAL — S8

S10 — COMMUNICATE FUTURE
BEST ACCESS TO TERMINAL

STOP